

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUMINITA HIX,

Plaintiff,

v.

Case No. 10-12491
Hon. Patrick J. Duggan

JESSICA SIMPSON,

Defendant.

/

ORDER AND JUDGMENT

On June 23, 2010, Plaintiff Luminita Hix (“Plaintiff”) filed this *pro se* action against singer and actress Jessica Simpson. Plaintiff seeks a restraining order and a monetary judgment in the amount of \$55 million. Plaintiff alleges that Ms. Simpson has stalked her and raped her children in response to Plaintiff’s work as an Evangelist and for “reporting crimes and terrorism activities.” (Doc. 1 at 1.) Plaintiff indicates in her complaint that her children reside with their father and his mother who are “prostituting [her] children to Hollywood stars.” (*Id.* at 2.) Plaintiff seeks leave to proceed *in forma pauperis* under 28 U.S.C. § 1915.

Section 1915 requires a court to dismiss a case in which the plaintiff proceeds *in forma pauperis* “at any time if the court determines that . . . (B) the action or appeal—(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). A complaint is frivolous if it lacks an arguable basis in law or in fact.

Neitzke v. Williams, 490 U.S. 319, 325, 109 S. Ct. 1827, 1831-32 (1989). The term “frivolous” “embraces not only the inarguable legal conclusion, but also the fanciful factual allegation.” *Id.* at 325, 109 S.Ct. at 1832. Examples of baseless factual contentions are claims describing fantastic or delusional scenarios. *Id.* at 328, 109 S. Ct. at 1833. The court is not bound to accept the plaintiff’s allegations as true when determining whether a complaint is subject to dismissal pursuant to § 1915(e)(2). *Denton v. Hernandez*, 504 U.S. 25, 32, 112 S. Ct. 1728, 1733 (1992). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Id.* at 33, 112 S. Ct. at 1733.

Plaintiff’s complaint is frivolous as it contains fanciful factual allegations. Notably, this is one of eleven lawsuits that Plaintiff filed in this court between June 10 and 24, 2010. In almost every case, Plaintiff names celebrities as defendants and claims that they have stalked, defamed, slandered, or caused her bodily injury, stolen her intellectual property, and/or sexually abused her children. Four cases have been dismissed as frivolous. *Hix v. Madonna*, No. 10-12423 (E.D. Mich. June 29, 2010) (Rosen, C.J.); *Hix v. Anderson*, No. 10-12483 (E.D. Mich. June 25, 2010) (Roberts, J.); *Hix v. Spears*, No. 10-12339 (E.D. Mich. June 18, 2010) (Roberts, J.); *Hix v. Bush*, No. 10-12366 (E.D. Mich. June 16, 2010) (Duggan, J.). An additional case was dismissed for lack of subject matter jurisdiction but, in this Court’s view, also was frivolous. *Hix v. Hinn*, No. 10-12393 (E.D. Mich. June 28, 2010) (Murphy, J.). In his decision dismissing Plaintiff’s lawsuit against Madonna, Chief Judge Rosen warned Plaintiff that the filing of

any further frivolous actions in this court will result in sanctions and an injunction barring Plaintiff from filing any further complaints or papers without first securing leave of the court.

Accordingly,

IT IS ORDERED, that Plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 is **GRANTED**;

IT IS FURTHER ORDERED, that Plaintiff's complaint is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e)(2)(b) and **JUDGMENT** is entered in favor of Defendant and against Plaintiff;

IT IS FURTHER ORDERED, that any appeal from this Order and Judgment would not be taken in good faith.

DATE: July 1, 2010

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copy to:
Luminita Hix
26 Peterboro
Detroit, MI 48201